

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall

August 1, 2017

CALL TO ORDER:

President Pearson called the meeting to order at 6:30 pm.

ROLL CALL:

Commissioners Present: President David Pearson, Vice President Kent Easom, Jennifer Cameron-Lattek, Daryl Moore, Jan Mitchell and Brookley Henri.

Commissioners Excused: Sean Fitzpatrick

Staff Present: City Manager Brett Estes and Planner Nancy Ferber. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

PUBLIC HEARINGS:

President Pearson reviewed the July 25, 2017 meeting, noting that this public hearing was continued. He advised that the public hearing would remain closed and no new testimony would be taken. The Planning Commission would continue deliberations and vote.

ITEM 3(a):

CU17-06 Conditional Use CU 17-06 by Astoria Warming Center for a temporary permit to operate the Astoria Warming Center at 1076 Franklin Avenue in the R-3, High Density Residential Development Zone. This item was continued from the July 25, 2017 meeting.

Planner Ferber stated there were no additions to the Staff report or formal recommendations. However, some of the conditions of approval have been clarified with the Applicant. Those conditions covered the following:

- What weather related criteria should be met in order for the warming center to open
- How far in advance of that weather should the warming center be allowed to make a determination
- The Good Neighbor Agreement
- Whether to prohibit cars parking overnight or including a provision to address overnight camping

Staff explained options for the Commission's next steps and reminded that the 120-day rule would expire on September 12, 2017. The Applicants indicated earlier that day that they would consider waiving the 120-day rule to extend the deadline for a short period of time.

President Pearson polled the Commissioners to see which direction the Commission was leaning, adding he believed building some consensus for some sort of approval would be worthwhile. Their responses were as follows:

- Vice President Easom stated he was leaning toward denial of the application.
- Commissioner Mitchell stated she was leaning toward approval, but she was concerned about meeting the Comprehensive Plan standard, so she would like to see if the Applicant could find a way to manage offensive behaviors. If possible, she would also like to condition that the Applicant return to the Commission with an update in December.
- Commissioner Cameron-Lattek stated she was undecided, but was leaning more toward approval with conditions pertaining to the Good Neighbor Agreement and who would be party to that agreement. She also wanted to discuss using weather conditions as a basis for determining whether to open the warming center, and if that should be the only basis for when the center could be open.
- President Pearson stated he was also leaning toward approval with some clarification and a better understanding of some of the conditions.
- Commissioner Henri stated she was leaning toward approval. Weather was an issue and the Commission would need to agree upon the conditions for the center being open due to weather conditions and the

mitigation steps outlined in the Good Neighbor Agreement. One condition should be that the Good Neighbor Agreement be signed with the ADHDA since no formal neighborhood association exists.

- Commissioner Moore stated he was definitely leaning toward denial at this point, namely because of the public testimony and feedback from those in the neighborhood who believe their neighborhood is being negatively impacted. In reading the Comprehensive Plan, his denial boiled down to protecting the existing neighborhood over new uses; however, that was not a condemnation of this particular use. He did not believe the neighborhood was the right location for the warming center. Being in the minority, he was open to discussing additional conditions of approval or further discussion on each Commissioner's position.

The Commission discussed the lead time that the warming center would have to decide when to open. President Pearson appreciated the Applicants' need for more time to notify volunteers. He believed 24 hours would be reasonable, noting he had not heard any opposition to that change. Commissioner Mitchell agreed. Commissioner Cameron-Latteck stated 24 hours would also be advantageous to residents and business owners in the area because they would know what to expect.

President Pearson asked about the temperature. City Manager Estes explained the 37 degree temperature had not been disputed, but the Planning Commission needed to consider whether wind chill, rain, or other weather factors should be included in the threshold for opening the warming.

Commissioner Moore asked why a threshold was necessary. The warming center is already limited to 90 days. He asked if the warming center could simply decide for itself when to open. Planner Ferber explained the Astoria Downtown Historic District Association (ADHDA) expressed concerns that the warming center would become a homeless shelter during their timeframe for operation. The warming center has recommended the Planning Commission allow them to open when the wind chill temperature is 37 degrees or lower and/or a forecast of 1/3 inch of rain or more overnight.

Commissioner Henri noted the Applicant's formal request contained in the Staff report proposed that months one and four be completely dependent upon local weather, opening when the overnight temperature was below 40 degrees. And in months two and three, remain open continuously.

Commissioner Moore preferred the 37 degree wind chill with a rain threshold because it would eliminate many days.

Commissioner Henri added the Staff report had recommended using the National Weather Service Storm Warning criteria as a threshold. City Manager Estes explained that their warnings were based on a set of weather issues like wind speed, rainfall, and temperature. He recommended a simpler and clearer threshold that would be easier to enforce.

The Commission and Staff shared ways to calculate wind chill and discussed whether a specific weather forecaster should be chosen. Vice President Easom believed the threshold should be based on wind chill and temperature, but not rain. Astoria gets more than a third inch of rain when it is warmer than 37 degrees, but the application is for a warming center and not a homeless shelter. Commissioner Henri agreed.

President Pearson reminded that the rainfall threshold was about preventing hypothermia. Vice President Easom was concerned about how the forecasted amount of rainfall would be measured. Commissioner Moore stated the threshold would be a forecast of 1/3 inch of rain or more over night, not actual accumulation.

Commissioner Henri noted the application contained average weather data showing November and December had the highest precipitation in Astoria. Allowing the warming center to be open continuously during those months would eliminate the need to discuss rainfall. Commissioner Moore believed there was opposition to allowing the warming center to remain open continuously.

President Pearson agreed that the 37 degree wind chill and/or 1/3 inch rain threshold would be appropriate and that the 90-day window be from November 15th through March 15th. Commissioners Henri and Cameron-Latteck stated they supported that threshold as well.

Planner Ferber suggested that the Planning Commission allow staff to determine an appropriate weather app to use consistently to decide how to measure the weather criteria. President Pearson agreed.

The Commission discussed whether to prohibit overnight parking and camping. Vice President Easom stated, and Commissioner Mitchell agreed, that the parking lot needed to be monitored to ensure no one sleeps in the parking lot. Commissioner Moore believed churches were allowed to let people sleep in cars in their parking lots. Staff explained that camping inside the city limits is prohibited by City Code. President Pearson said based on testimony, parking needs to be provided and should not be pushed out into the neighborhood. He supported the parking lot, but agreed overnight camping should be prohibited. Commissioner Mitchell agreed and said the issue could be solved easily by sending warming center staff to the parking lot to tell people they are not allowed to camp.

Commissioner Henri stated the application indicated that the warming center had already implemented a 24-hour contact to respond to complaints by phone or email. Planner Ferber added the church could install signage indicating no overnight camping which would be allowed. Warming center staff could also do a parking lot check every two or three hours. Commissioner Henri said a resource coordinator would also be added. The warming center also indicated options for overflow in their application.

Commissioner Moore stated he did not see any point in having signage, adding if the permit is approved with conditions, he believed the warming center should be allowed to comply with those conditions as they see fit.

Commissioner Henri said she did not believe emailing the 24-hour contact in an urgent situation would be appropriate. Commissioner Cameron-Lattek suggested the Staff report be edited to state "by phone **and** email."

The Commission and Staff discussed the Good Neighbor Agreement. Staff confirmed no progress had been made on the agreement since the July 25th meeting. The AWC and ADHDA had a discussion earlier in the day, but the ADHDA board would still have to vote on the agreement. Staff recommended the Planning Commission require the agreement be finalized prior to the warming center being allowed to open. Staff preferred the deadline for the final agreement be in September. The warming center has expressed concerns about their ability to negotiate an agreement with the ADHDA because representatives of the ADHDA testified in opposition to the permit. If the Planning Commission establishes a deadline and the deadline is missed, the conditional use permit would be null and void.

Commissioner Moore stated he was not comfortable shifting the Commission's responsibility on to the ADHDA. However, the neighborhood is the most essential component of this application. Commissioner Mitchell agreed the situation would give the ADHDA veto power.

City Manager Estes reminded the Commission could continue this discussion at the August 22nd meeting, which would allow more time for the agreement to be negotiated. He believed the warming center would be willing to extend the 120-day rule.

Commissioner Mitchell said the residents in the neighborhood were being impacted differently than the business members of the ADHDA. She asked if the ADHDA could include residents in their discussions about the agreement. Vice President Easom wanted all the residents within a two-block radius included. City Manager Estes suggested the Planning Commission provide clear direction to the AWC and ADHDA about what should be achieved over the next three weeks. He confirmed that the Commission could require the AWC to have the agreement signed by businesses and residents within a two-block radius of the church, instead of by the ADHDA.

Commissioner Mitchell was concerned about giving others the power of veto. Commissioner Henri reminded the hearing could be continued to allow the AWC to negotiate the agreement. City Manager Estes explained if an agreement is not signed in three weeks, the Planning Commission would still have the ability to set any conditions it believes are appropriate, including those in the draft agreement. The Commissioners discussed the difficulties of an agreement signed by residents, and Commissioner Moore reminded that the Commissioners were appointed to make these tough decisions. Vice President Easom and Commissioner Henri wanted the residents to have the opportunity to make that agreement and if they are unable to, then the Planning Commission could make a decision.

Commissioner Henri did not believe three weeks would be enough time to negotiate an agreement between the AWC and so many residents. City Manager Estes offered to ask representatives from the AWC and ADHDA if three weeks would be enough time.

President Pearson believed the AWC and ADHDA were better at their jobs than the Planning Commission. The Commission is simply looking for input from the organizations so it can make a good decision. The goals of the agreement are to initiate and maintain open communications, develop a procedure for resolving problems, maintain and enhance neighborhood safety and livability, and foster a healthy and welcoming environment for all. Those are hard things to veto, but if the AWC could find some common ground for the neighborhood, it might be worthwhile. If not, then the Commission would move forward with a decision based on what has been presented. He directed City Manager Estes to speak with the AWC and ADHDA representatives that were present about continuing the hearing to August 22nd.

The Planning Commission meeting recessed at 7:19 pm to allow Staff to speak with AWC and ADHDA representatives. The meeting reconvened at 7:42 pm.

City Manager Estes stated that Staff and the AWC and ADHDA representatives discussed another option for the Planning Commission to consider that may address some of the concerns expressed about incorporating the neighborhood. Staff proposed that the parties be given four weeks, during which time the City, AWC, and ADHDA would work collectively to schedule and advertise a public neighborhood meeting at City Hall. The warming center would put up fliers and go door to door. The ADHDA would assist in advertising the meeting well and the City would look for a facilitator to help mediate the meeting. The goal of the meeting would be to develop an agreement between businesses and individuals that addresses the concerns raised at that neighborhood meeting. The outcome of this process would be presented to the Commission on Wednesday, September 6th. He noted that the representatives could not commit to this process on behalf of their boards, but they were willing to allow him to offer this idea to the Planning Commission. He noted the warming center agreed to extend the 120-day rule accordingly.

Commissioner Mitchell believed it was good idea. President Pearson said he liked this idea as well and thanked Staff, AWC and ADHDA representatives for having the discussion.

City Manager Estes confirmed that this process would not require the ADHDA to sign off on the agreement, just help to facilitate the conversation. The ADHDA could participate, but they would not be in charge of managing the process.

Commissioner Mitchell asked if it would be appropriate for her to sit in on the neighborhood meeting just to listen.

City Manager Estes advised against it, saying that in his experience, parties are hesitant to explore all of their options when decision makers are in the room. City Manager Estes was also concerned about having a quorum present, which would turn it into a noticed meeting.

Commissioner Moore said he was concerned that the neighbors who gave testimony opposed to the application would show up to the neighborhood meeting and say no to the warming center without any negotiation.

City Manager Estes reminded that the hearing had been closed. The Commission could reopen the hearing just to discuss the Good Neighbor Agreement at the meeting in September, allowing Staff to provide the required 21-day notice.

Commissioner Moore believed reopening the hearing would be useful. President Pearson understood Commissioner Moore was against the warming center at this location and did not understand why he would want to reopen the hearing. Commissioner Moore explained that he was just one vote and would love the opportunity to explain why he was against the application. However, if the Commission is not going to deny the permit, he believes he has useful input for conditions of approval. Since the Commission would not be present at the neighborhood meeting, he would want to know how the residents who did attend felt it went. He would also want feedback from all parties to ensure the Commission was not getting a limited view of how the negotiations went.

Vice President Easom asked who would present the agreement. City Manager Estes said as long as the hearing remains closed, Staff would be communicating with the Commission. He confirmed Staff would be present at the neighborhood meeting. President Pearson, Vice President Easom, and Commissioner Mitchell agreed they were comfortable with Staff presenting the agreement. Commissioner Henri stated she would also be comfortable with it as long as people in the neighborhood who wanted to be involved would have the opportunity to be involved. She believed those who had been involved so far would engage in the neighborhood meeting as well.

Commissioner Cameron-Lattek said reopening the hearing would allow parties unable to attend the neighborhood meeting to get their statements on the record. Commissioner Mitchell believed this would make the process endless. People who find this issue important will attend the meeting or write a letter.

City Manager Estes believed Staff could let the Commission know what was discussed and what was contained in the agreement.

Commissioner Moore believed the Commission agreed that the neighborhood element is pivotal. He spent a lot of time reading through the Comprehensive Plan looking for any mention of social services or where the homeless could be housed. He found nothing. He read the Comprehensive Plan again looking for language that he could interpret to apply to how the Commission should measure where a warming center or homeless shelter should be located. The Code talks about housing for low income, services for elderly and handicap, and gives some specific guidance on where housing might be placed, but there are no provisions for homeless. He read the Comprehensive Plan again looking for language that applied to temporary uses. Findings in the Staff report clearly indicate this use does not meet housing criteria and this was the purpose of the conditions being discussed. While this has been a valiant effort to find a way to make the warming center meeting the housing criteria, he did not believe it would happen. He displayed a graphic that mapped all of the comments received and explained that green represented testimony in favor of the permit, while red represented testimony in opposition to the permit. Yellow indicated testimony impartial to the permit and the orange dot showed the location of the warming center. All of the green dots submitted testimony in support of the mission of the warming center. The red dots had problems with the housing element and addressed the facts of the proposal. The Comprehensive Code is clear that the Commission should consider the housing element of the existing neighbors to the temporary use. The map shows widespread support for the mission, but very localized opposition by people who are affected in a way that the Comprehensive Plan gives guidance on. He supported the mission of the warming center, but the Comprehensive Plan and testimony made him believe this would not be the appropriate location. It would be awesome if the existing neighbors bought in to the neighborhood agreement. It is important to note that a significant number of neighbors within the two-block radius expressed concerns. He was concerned that it would be difficult to get people from the neighborhood to come to an agreement. The warming center had three years to have such a meeting voluntarily.

Vice President Easom agreed with Commissioner Moore. He did not believe the neighborhood was appropriate for a warming center, nor did he believe they were operating as a warming center because the center offers showers. He also had concerns that the AWC would not abide by the agreement and was concerned about the neighborhood.

Commissioner Mitchell stated Commissioner Moore did a good job pointing out what was in the Code and planning documents. Planning documents evolve over time and consider changing conditions in communities. She understood the difference between a warming center and a shelter. However, a community that cares does not criticize a warming center for helping people maintain their appearance and wash their clothes.

Commissioner Moore agreed that planning documents are open for interpretation and he was sharing his interpretation.

Commissioner Cameron-Lattek said she made a similar assessment of the geographic distribution of the opposition to this application and came to a different conclusion. A consistent factor in the letters submitted against the permit were less about the location and more about the way this particular warming center has been run. That is why she could support the application with certain conditions. She believed the AWC has worked hard to develop a plan to mitigate the impact on the neighborhood and had resources in place. She was also comfortable with allowing the parties to negotiate a Good Neighbor Agreement.

President Pearson moved that the Astoria Planning Commission to continue the hearing for Conditional Use CU 17-06 by Astoria Warming Center to Wednesday, September 6, 2017 at 7:00 pm in City Hall Council Chambers; seconded by Commissioner Cameron-Lattek. Motion passed 3 to 2. Ayes: President Pearson, Commissioners Mitchell, Cameron-Lattek, and Henri. Nays: Vice President Easom and Commissioner Moore.

City Manager Estes said prior to the September 6th meeting, Staff would present revised conditions based on the information that the Commission provided at this meeting.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:15 pm.

APPROVED:



Community Development Director